

**Minutes**  
**DAGSBORO TOWN COUNCIL**  
**Bethel Center**  
**Monday, April 17, 2023**

**I. CALL MEETING TO ORDER**

Meeting was called to order by Mayor Baull at 6:00 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Theresa Ulrich, Councilman Norwood Truitt, Councilman William Labor, Town Administrator Cynthia Brought, Chief Steven Flood, Engineering Consultant Kyle Gulbranson and Town Solicitor Greg Morris. Councilman William Chandler was absent. See sign in sheet for others in attendance.

**II. PUBLIC COMMENT**

Mayor Baull stated that he wanted to thank all the 2023 Easter Egg Hunt Sponsors and Volunteers for all their hard work in making the Easter Egg Hunt successful.

**III. APPROVAL of MINUTES**  
**March 20, 2023 Town Council Meeting Minutes**

Vice-Mayor Ulrich made a motion to approve the Town Council Minutes. Councilman Labor seconded the motion. All were in favor.

**IV. CONSENT AGENDA**  
**a. Police Department Report**

Chief Flood stated that Cpl. Glaeser has been on light duty since mid-February, but he hopes to have him back on regular duty later this week or next week.

He also stated that Cpl. Wechtenhiser was involved in a 110 lb. marijuana seizure case last week in conjunction with the Worcester Sherriff Office and their K-9 Program.

- b. Treasurer's Report**
- c. Administrative Report**
- d. Building Official Report**
- e. Code Enforcement Report**
- f. Meeting Reports**
- g. Water Department Report**
- h. Prince George's Chapel Cemetery Report**
- i. Correspondence**

Councilman Labor asked who is responsible for maintaining the riprap/garden that was put in on Warrington Street. Engineering Consultant Gulbranson replied, "The Town is responsible for maintaining it." Councilman Labor stated that it is overgrown with weeds. Engineering Consultant Gulbranson stated that it is a water quality addition where the water from the wetland plants drains into the rain garden and then the water settles out before it settles into the creek. Councilman Labor asked if the riprap would get sprayed? Mr. Gulbranson replied, "I don't think they will spray it along the creek." Town Administrator Brought asked if Town Maintenance, Joe Quinn, could weed whack the area down. Mr. Gulbranson replied, "Yes." Councilman Labor stated that his neighbors asked him about the area.

Councilman Truitt made a motion to approve the consent agenda. Councilman Labor seconded the motion. All were in favor.

**V. PLANNING & ZONING REPORT**

Final Approval Recommendation – Highlands of Peppers Creek

Recommendation Possible Changes Accessory Building (275-26 Ton Code)

Commissioner Brad Connor stated that at the April 6, 2023 Meeting, Planning and Zoning recommended consideration of the Final Plan Approval on the plans submitted for the Highlands of Peppers Creek as they have obtained all necessary letters of approval from required agencies.

He also stated that P & Z would like the Town Council to consider proposed changes to the Code in regard to Accessory Buildings as it is felt that the Town gets so many complaints from property owners in regard to the current Code which limits accessory buildings to 900 sq. ft. The proposed changes were discussed at the April P & Z Meeting, and we feel the changes are reasonable.

**VI. NEW BUSINESS**

**a. Highlands of Peppers Creek Final Approval Presentation –  
Discussion and Possible Vote on Final Approval**

Zac Crouch, of Davis, Bowen & Friedel stated that they have received all agency approvals that are required and are seeking Final Approval on the 51 single family home subdivision. He added that they revised the Entrance Plan and received approval from the P & Z Commission. The Town has received copies of the revisions and approval letters.

Engineering Consultant Kyle Gulbranson stated that everything is code compliant, meets all the Town's requirements and has received all agency approvals. He added that there were revisions made to the entrance which are included in the most recent plans.

Councilman Truitt asked, "Is Clayton Street affected by the width of the westbound lane?" Zac Crouch stated, "No, the westbound lane isn't affected, and the entrance has been pulled into the development and there will be a protected left lane going into the development off Clayton Street. He also stated that

from 200 ft. past the development entrance, headed South, all the way to the railroad tracks will be repaved. Engineering Consultant Kyle Gulbranson confirmed that there will be center left hand turn lane. Councilman Labor asked, "How far is this entrance from the other development that is being proposed?" Zac Crouch stated, "It is a good distance away."

Vice-Mayor stated that there was supposed to be a development across the street from there. Town Administrator Brought stated, "Seabreeze, but it is probably not going to happen now." Zac Crouch stated that Seabreeze had been in contact with DelDOT and if anything happens there, their entrance will need to be across from the Highlands of Peppers Creek entrance. Town Administrator Brought stated that in her last conversation with Seabreeze, it was stated that they had their approval but now she understands that it is being put up for sale.

Town Administrator Brought stated that Councilman Chandler, who is not here, had a couple questions that she would like to address. She stated that Councilman Chandler is concerned about buffering from neighboring properties and to make sure everything is far enough away from the tax ditches for maintenance. Zac Crouch stated, "Yes," and they sent everything to the Tax Ditch Association and the only reason they were able to get Sussex Conservation District approval was because they signed off on it. Engineering Consultant Gulbranson stated, "There is a 30 ft. buffer from the property line on that side." Zac Crouch stated that it's technically a 50 ft. buffer. Mr. Gulbranson stated that the buffer next to the railroad property, the railroad itself isn't right on the property line so there is space between their parcel line and the railroad itself and there is about 50-60 ft. between the two properties. The way the development is laid out, the cul-de-sac is the only area that is close to the railroad. Zac Crouch added that the back part of the lots adds an extra 15 ft. to the buffer area also. Councilman Labor asked if there would be a sound buffer or just natural buffers? Zac Crouch stated, "Natural buffers."

Vice-Mayor Ulrich asked, "Will the sidewalks be concrete?" Zac Crouch stated, "Yes."

Mayor Baull asked, "After you receive approval, when do you anticipate getting started?" Bobby Horsey stated, "As soon as we can get the process started." He added that they are supposed to close by the end of the month, which is next week, and the process usually takes 30-60 days to get started.

Councilman Labor made a motion to give Highlands of Peppers Creek Final Approval as it has been presented to us. Vice-Mayor Ulrich seconded the motion. All were in favor.

#### **b. Discussion and Possible Vote on Changes to Code Regarding Accessory Buildings**

Engineering Consultant Kyle Gulbranson stated that for years there has been an issue with how Accessory Buildings are handled in the Town Code. The way it reads now is that accessory buildings are capped off at 900sq. ft. total on residents' property. Several times each year, building permits are received for a pole building or shed and it is over 900 sq. ft. He also stated that what they discussed with the Planning Commission was instead of capping it off at 900 sq. ft. for everyone, that they could do a sliding scale based on the size of the property. He explained that with the sliding scale, it would allow a

larger accessory building based on the size of the property up to a maximum of 2500sq. ft. which would be on a much larger property and the number of buildings would be limited to three. There are some properties in Town that already have 5 or 6 accessory buildings because they currently do not have a limit on the number of buildings.

Mr. Gulbranson referred to the document that was presented and stated that a property that is 10,000 sq. ft. would be allowed up to 1100 sq. ft. of accessory structures and it would increase based on the size of the property.

Councilman Labor asked, "Is this cumulative up to 1100sq. ft.?" Engineering Consultant Kyle Gulbranson stated, "Yes." He added that this would allow residents to have larger structures on their property because quite often residents are turned down because of the size of the structure that they want and several times they had already purchased the buildings and have lost money because of the this.

Mayor Baull asked "If a property currently has accessory building with the current limitations, would they be able to increase to the sizes if approved? Engineering Consultant Kyle Gulbranson stated that they would be grandfathered into the current Town Code but would be able to add an additional building if they choose to.

Councilman Truitt made a motion to set up a Public Hearing to make changes regarding Accessory Buildings (#275-26) in the Town Code. Councilman Labor seconded the motion. All were in favor.

## **VI. OLD BUSINESS**

### **a. Water Agreement DeIDOT**

Town Administrator Brought stated that the Water Agreement has been signed by DeIDOT and Mayor Baull. She added that she received it back and it will be fully executed as of April 14, 2023. They will be setting up an account for DeIDOT and supplying water to them.

Vice-Mayor Ulrich asked for confirmation that DeIDOT would be starting at the water line on the road to their facility. Town Administrator Brought replied, "Yes," but they are required to complete that work and the Town will install the water pit and meter.

## **VII. PUBLIC COMMENT**

Joel Antonioli, of Peppers Creek Tax Ditch, stated that earlier in the meeting, the Highlands of Peppers Creek stated that they had all signatures required for Final Approval. He added that it would have to be proposed by DNREC and then the Tax Ditch Committee signs off on it, which has not been completed and feels the gentleman representing Highlands of Peppers Creek was incorrect.

Town Solicitor Greg Morris stated that they would pass this information on to Councilman Chandler since he has been involved with this. He also stated to Joel Antonioli that if he would like to address this issue at the next meeting, to contact Town Hall and request to be added to the agenda so there is time set aside for questions and answers. Joel Antonioli stated that he would do more research on the issue.

#### **VIII. ADJOURNMENT**

Vice-Mayor Ulrich made a motion to adjourn. Councilman Labor seconded the motion. All were in favor.

Meeting adjourned at 6:29 p.m.

Respectfully Submitted,  
Wendy Rayne, Finance Clerk